

Madhya Pradesh Goseva Ayog Rules, 1995

[28 September 1995]

CONTENTS

1. Short Title And Commencement
2. Definitions
3. Allowances
4. Terms And Conditions Of Service Of Employees
5. Registration Of Institution
6. Register Of Institution
7. Scrutiny Of The Application
8. Section 8
9. Section 9
10. Operation Of Funds
11. Manner Of Expenditure
12. Maintenance Of Account By The Institution

Madhya Pradesh Goseva Ayog Rules, 1995

[28 September 1995]

In exercise of the powers conferred by Section 23 of the Madhya Pradesh Goseva Ayog Adhiniyam, 1995 (No. 18 of 1995) the State Government hereby makes the following rules, namely:-

1. Short Title And Commencement :-

- (1) These rules may be called the Madhya Pradesh Goseva Ayog Rules, 1995.
- (2) They shall come into force on the 2nd October, 1995.

2. Definitions :-

In these rules, unless the context otherwise required.-

- (a) "Act" means the Madhya Pradesh Go-Seva Ayog Adhiniyam, 1995 (No. 18 of 1995):
- (b) "Allowances" means traveling allowance and daily allowances:
- (c) "Director" means Director of Veterinary Services, Madhya Pradesh;
- (d) "Fees" means registration fee for registration of Institution under sub-section (2) of Section 10 of the Act or Fee realized under

rule 17 of these rules:

- (e) "Form" means the forms appended to these rules;
- (f) "Registrar" means any officer appointed under Section 9 of the Act and assigned to perform the function of the Registrar;
- (g) "Trustee" means a person or a body of persons by whatever name and designation known in whom administration of the Institution is vested and includes any person who is authorized and liable as if he were a trustee.

3. Allowances :-

These shall be paid traveling and daily allowances to non-official members of the Ayog for attending the meeting of the Ayog as are applicable to grade A officers of the State Government: Provided that the members shall not be paid fare of Ist class air condition by rail or any journey by Air.

4. Terms And Conditions Of Service Of Employees :-

(1) The State Government shall provide the following number of officers and other employees from the existing strength of the Veterinary Department, namely:-

(a) Joint Director, Veterinary Services - One

(b) Veterinary Assistant Surgeon / - One

Assistant Director Vety. Services

(c) Accountant - One

(d) Upper Division Clerk - One

(e) Steno Typist-cum-Lower Division Clerk - One

(f) Peon - One

(2) The Joint Director Veterinary Services so appointed under sub-rule (1) shall also function as the Registrar of the Ayog and shall discharge such functions and duties as the Ayog may assign to him under the Act.

(3) The Registrar shall be the administrative head of the office of the Ayog and shall be responsible for all transaction of the business of the Ayog.

(4) All other employees shall function under the control and guidance of the Registrar.

(5) All officers and employees shall be the servant of the Directorate of Veterinary Services. and their service conditions shall be governed as applicable to person holding the corresponding post in their parent department and shall get salary, other allowances, and other facilities as may be determined by the State Government

to their employees from time to time.

(6) Every officer and employees so appointed under sub-rule (1) shall get their pay and other allowances out of the budget of the Veterinary Department and no employee so appointed shall be treated as on foreign services.

5. Registration Of Institution :-

(1) Every Institution shall be registered under Section 10 of the Act on submission on application in Form _ I and II in triplicate, accompanied by a registration fee of Rupees Five hundred to be remitted in form of crossed demand draft on a nationalized bank in favour of Madhya Pradesh Go-Seva Ayog.

(2) Every Institution shall also furnish along with the application the following particulars duly signed by every trustee of the person or the agent specially authorized by that Institution:-

(a) The name and address of the person / trustee / executive member of the Institution and mode of their succession to the Office of the Institution.

(b) The details of the property whether movable or immovable and mode and source of acquiring it.

(c) The gross annual income and its source and expenditure of the Institution for the last three preceding years if functioning before the commencement of this Act or otherwise since the date of establishment of the Institution.

(3) The statement as provided in sub-rule (2) shall also be accompanied by a copy of deed or the instrument publishing the Institution or such other document as in the opinion of the Ayog sufficiently shows the origin, nature and subject of such Institution, or if no such deed or instrument or document has been executed then the affidavit of the authorized person shall contain in full, particulars of the origins nature and object of the Institution so far as they are known to the authorized person.

(4) The Statement as specified in sub-rule (3) shall be signed by every trustee or the person or his agent authorized by the Institution in this behalf.

(5) Every person signing the statement shall be responsible for the authenticity of the information recorded in the application and shall provide the original documents, if any as and when demanded by the Ayog for verification.

6. Register Of Institution :-

There shall be a register of Institution in Form -III which shall be maintained and kept under the safe custody of the Registrar.

7. Scrutiny Of The Application :-

After receiving the application under rule 5 of the Registrar shall scrutinize the application and ascertain the following particulars before entering the contents in the register of Institution:-

- (a) Whether the Institution comes within the purview of the Madhya Pradesh Go-Seva Ayog Adhiniyam, 1995;
- (b) The details of the property pertaining to such Institution;
- (c) The name and address of the trustee or the executive member of such Institution;
- (d) The mode of succession to the office of such Institution;
- (e) The income and expenditure of such Institution; and
- (f) Source of income of such Institution.

8. Section 8 :-

While ascertaining the fact under rule 7 the Registrar shall cause notice to be served to the head of Institution the person or specially authorized agent in this behalf by the Institution, to produce the original documents or any of information that may be deemed fit by the Registrar for verification.

9. Section 9 :-

- (1) After ascertaining the facts under rule 8, the Registrar shall enter all the particulars in the register of Institution and shall place the register along with the applications before the Ayog through the Secretary of the Ayog for consideration approval.
- (2) After approval of the Ayog, the Registrar shall issue a certificate of Registration in Form IV and send the same to the applicant under registered post with acknowledgement due.
- (3) In case the application is rejected by the Ayog the Institution may prefer an appeal to State Government within Sixty days from the date of rejection of its application.

10. Operation Of Funds :-

- (1) The funds of the Ayog shall operated jointly by the Secretary and Registrar of the Ayog.
- (2) The Registrar shall be responsible for maintaining accounts books, relevant subsidiary registers, vouchers and other related

documents in the same manner as are maintained in the transaction of Government business.

(3) The details of income received and the expenditure incurred during every quarter shall be submitted in the meeting before the Ayog for approval.

11. Manner Of Expenditure :-

No expenditure shall be incurred unless the proper sanction of the following authority is obtained to the extent shown against them,-

(a) Ayog: Any expenditure exceeding Rs. Three lacs but not exceeding Rs. Seven lacs.

(b) Chairperson: Any expenditure exceeding Rs. one lac but not exceeding Rs. Three lacs.

(c) Secretary: Any expenditure exceeding Rs. Twenty five thousand but not exceeding Rs. one lac.

(d) Registrar: Any expenditure not exceeding Rs. Twenty five thousand, which is of recurring nature.

Any expenditure exceeding Rupees Seven lacs require the previous sanction of the State Government.

12. Maintenance Of Account By The Institution :-

(1) Every Institution registered under the Act shall submit its accounts of each year ending 31st March and submit balance sheet duly audited by a Chartered Accountant.

(2) It shall be the duty of the Institution to maintain the account books, vouchers, correspondence and documents of movable and immovable properties on the general principle of book keeping of account and stores.

(3) The Chartered Accountant shall specify in his audit report all cases of irregularities, illegal and unauthorized expenditure or misappropriation or fraud and state his opinion with regards to grant or aid given to Institution and its utilization in achieving the object for which it is granted.

(4) On receipt of account, balance sheet and audit report, the Secretary of the Ayog shall critically examine the same and place it before the Ayog with his comments for consideration.

(5) If the Ayog is satisfied that any fraud or misappropriation is committed by any Institution with respect to any property whether movable or immovable shall take necessary action in accordance with the provisions of the Act:

Provided that no action shall be taken by Ayog unless a reasonable

opportunity of being heard is given to the concerned Institution.

8. Manner of Filing complaint:-

Any person having interest in welfare of cattle, and has reason to believe, is,-

(a) mismanagement in care and maintenance of cattle kept in the Institution;

(b) misappropriation of fund or fraud; or

(c) any unlawful act being committed by any trustee in contravention of the provision of the Act or these rules may file a complaint to the Ayog either in person or by registered post duly addressed to the Registrar along with a fee of Rupees Fifty by demand draft drawn on a Scheduled Bank.

A complainant in support of his complaint shall submit any documentary proof or an affidavit duly swear.

On receipt of complaint, the Registrar shall endorse, therein the date of receipt and cause to be registered in the register. He shall also send the acknowledgement to the complainant within three days from the date of receipt of complaint. The Registrar shall scrutinize the complaint and place it before the Ayog through the Secretary of the Ayog consideration.

On consideration of the complaint if the Ayog prima-facie-comes to the conclusion that these exist substantial truth complaint, it may order for an enquiry by such officer as may be deemed fit.

The officer authorized to inquire in the matter shall draw-

(a) a definite and distinct articles of charges on the material substance of the complaint.

(b) a statement of all relevant facts based on the substance of the complaint.

(c) list of documents by which and list of witnesses by whom, the articles of charges are proposed to be sustained.

9. Manner of Inquiry:-

(1) The Inquiry Officer shall send a notice in Form V with articles of charges framed under sub-section (5) of rule 16 stating the time, date and place of hearing, date of submission of statement of defense against the charge by registered post with acknowledgement to the head of Institution and / or trustee against whom the it is field.

On receipt of the statement of defense, against the complaint, the Inquiry Officer shall proceed with the Inquiry principle of natural justice.

The Inquiry Officer shall follow the following procedure, namely:-

(a) oral arguments shall be recorded from both the parties.

(b) examination of witnesses of both the parties and to record their evidences.

(c) opportunity be given to both the parties to cross examine the witnesses.

(d) inquiry officer shall maintain an order sheet of day to day

(e) if copy of any documents or record of proceeding is desired by either of the party, the same shall be provided on written request and payment of Rs. Two per page.

On the date and time fixed by the Inquiry Officer the oral and documentary evidence by which the articles of are proposed to be proved shall be produced by both the parties. The Witnesses shall be examined and cross it. The Inquiry Officer may also put such question to parties and witnesses which are required to ascertain the fact etc.

The Inquiry Officer may give a reasonable opportunity to both the party for inspecting such documents which are record. The Inquiry Officer may allow the party concerned to produce the additional evidence if it is in the opinion of Inquiry Officer that the production of such evidence is necessary in the interest of justice.

When the Inquiry is completed, the Inquiry Officer shall prepare his report and submit it to the Ayog for consideration and order.

After receiving the report under rule 17 the Ayog shall pass such order as it deems fit.

Any person aggrieved with the order the Ayog may prefer an appeal to the Government within sixty days from communication of the order of the Ayog.

By order and in the name of the Governor of Madhya Pradesh.